

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

TO: PUBLIC SAFETY AND ELECTIONS TASK FORCE MEMBERS
FROM: MICHAEL HOUGH, TASK FORCE DIRECTOR
DATE: OCTOBER 27, 2010
RE: 35 DAY MAILING—2010 STATES AND NATION POLICY SUMMIT

The American Legislative Exchange Council will host its 2010 States and Nation Policy Summit **December 1-3** at the **Grand Hyatt Washington Hotel in Washington, D.C.** The last day to reserve hotel accommodations at the ALEC rate is **Thursday, November 4th**. The full Public Safety and Elections Task Force will meet from **2:30 – 5:30 pm** on **Thursday, December 2 in Independence FG**. The Task Force will discuss model legislation and resolutions on Victim Offender Mediation, Childbirth Protection, Earned Compliance Credits, Pay-to-Play Legislation, and the Redistricting of Prison Populations. Mr. Mark Braden will be presenting on Redistricting, and the Task Force will receive updates on the Electoral College/National Popular Vote and Bail/Pretrial Release.

In addition, the **Corrections and Reentry Working Group** will meet on **Wednesday, December 1st** from **10:45 am – 11:45 am**. Subcommittee meetings are open to all members of the Task Force.

Our Task Force is also excited to announce 3 Workshops:

- “Delivering Justice to Rape Victims while Minimizing Taxpayer Cost”
(December 2, 9:30 am – 10:45 am, Lafayette Park)
- “Cutting Crime and Budgets: The National Movement”
(December 2, 11:00 am – 12:15 pm, Farragut Square)
- “Smart-on-Crime Legislatures: Fighting Overcriminalization and Restoring the Proper Federal-State Equilibrium on Criminal Law and Justice”
(December 3, 9:30 am – 10:45 am, Lafayette Park)

We strongly encourage all Task Force members to attend and participate in these discussions.

Please find the following materials enclosed:

- SNPS Agenda-at-a-Glance
- Public Safety and Elections Workshop Agenda
- Task Force Meeting Tentative Agenda
- Working Group Meeting Tentative Agenda
- 2010 Annual Meeting Minutes
- Draft Model Legislation
- Task Force Roster
- Registration Forms
- ALEC Mission Statement
- Scholarship Policies by Meeting
- ALEC Task Force Operating Procedures

I look forward to seeing all of you in Washington D.C.! If you have any questions or comments regarding the meeting, please contact me at 202-742-8530 or by e-mail at mhough@alec.org.

Cordially,



Michael Hough
Public Safety and Elections Task Force Director

2010 States & Nation Policy Summit Agenda*

Tuesday, November 30th		
Joint Board of Directors Meetings	8:00 a.m. - 5:30 p.m.	Farragut/Lafayette
Registration	12:00 p.m. - 5:00 p.m.	Independence Foyer
ALEC Joint Board Reception and Dinner	6:30 p.m. - 9:30 p.m.	Off-site
Wednesday, December 1st		
Registration	7:30 a.m. - 5:00 p.m.	Independence Foyer
Task Force Subcommittee Meetings	8:00 a.m. - 11:45 a.m.	
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
State Chairs Meeting	9:00 a.m. - 11:45 a.m.	Willson/Roosevelt
New Legislator Orientation	10:30 a.m. - 11:30 a.m.	Franklin Square
Opening Plenary Luncheon	12:00 p.m. - 2:00 p.m.	Independence A
Task Force Chairs Meeting	2:15 p.m. - 3:15 p.m.	Franklin Square
Workshop I: Comparative Effectiveness Research: Rationing Care or Improving Quality?	2:15 p.m. - 3:30 p.m.	Farragut/Lafayette
Workshop II: Higher Education	3:45 p.m. - 5:00 p.m.	Farragut/Lafayette
National Chairman's Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.	Independence IH
Hospitality Suite	9:00 p.m. - 11:00 p.m.	Congressional Parlor
Thursday, December 2nd		
Registration	7:30 a.m. - 5:00 p.m.	Independence Foyer
Plenary Breakfast	8:00 a.m. - 9:15 a.m.	Independence A
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
Workshop III: Show Me the Money: Budget Transparency in the States	9:30 a.m. - 10:45 a.m.	Farragut Square
Workshop IV: Delivering Justice to Rape Victims while Minimizing Taxpayer Cost	9:30 a.m. - 10:45 a.m.	Lafayette Park
Workshop V: Cutting Crime and Budgets: The National Movement	11:00 a.m. - 12:15 p.m.	Farragut Square
Workshop VI: EPA's Regulatory Assault: Higher Prices, Fewer Jobs, and Less Energy	11:00 a.m. - 12:15 p.m.	Lafayette Park
Plenary Luncheon	12:30 p.m. - 2:15 p.m.	Independence A
Task Force Meetings	2:30 p.m. - 5:30 p.m.	
• Energy, Environment, and Agriculture		Farragut/Lafayette
• Health and Human Services		
• Public Safety and Elections		Independence CDE
• Tax and Fiscal Policy		Independence FG Independence IH
Gala Holiday Reception	6:00 p.m. - 8:00 p.m.	Constitution AB
Hospitality Suite	9:00 p.m. - 11:00 p.m.	Congressional Parlor

Friday, December 3rd		
Registration	7:30 a.m. - 2:00 p.m.	Independence Foyer
Plenary Breakfast	8:00 a.m. - 9:15 a.m.	Independence A
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
Workshop VII: Federalism I	9:30 a.m. - 10:45 a.m.	Farragut Square
Workshop VIII: Overcriminalization	9:30 a.m. - 10:45 a.m.	Lafayette Park
Workshop IX: A Tax in Sheep's Clothing: How Extended Producer Responsibility Mandates Can Hurt Consumers and Business	11:00 a.m. - 12:15 p.m.	Farragut Square
Workshop X: Federalism II	11:00 a.m. - 12:15 p.m.	Lafayette Park
Plenary Luncheon	12:30 p.m. - 2:15 p.m.	Independence A
Task Force Meetings	2:30 p.m. - 5:30 p.m.	
• Civil Justice		Farragut/Lafayette
• Commerce, Insurance and Economic Development		Independence GHI
• Education		Independence CDE
• Telecommunications and Information Technology		Constitution A
• International Relations		Constitution B
Louisiana Preview Reception for 2011	5:30 p.m. - 6:30 p.m.	Franklin Square
Annual Meeting		
State Delegation Night	Beginning at 6:30 p.m.	See Your State Chair

* Agenda subject to change.

The Public Safety and Elections Task Force Workshop Agenda

Thursday, December 2

“Delivering Justice to Rape Victims while Minimizing Taxpayer Cost”

Cost-effective solutions can be applied to the current DNA testing backlog epidemic facing our nation: hundreds of thousands of rape cases are sitting in police storage that have not even been submitted to crime labs for testing. Attend this Workshop to learn how to employ smart solutions to this costly problem.

**9:30 am – 10:45 am
Lafayette Park**

“Cutting Crime and Budgets: The National Movement”

A national shift in thinking and responding to crime rates and strapped budgets is taking shape, producing policy reform that cuts millions in spending and lowers crime rates. Attend this Workshop to learn about the national focus, the bipartisan solution, and the model legislation that will provide the results.

**11:00 am – 12:15 pm
Farragut Square**

Friday, December 3

“Smart-on-Crime Legislatures: Fighting Overcriminalization and Restoring the Proper Federal-State Equilibrium on Criminal Law and Justice”

The proliferation of criminal law has produced scores of criminal offenses that lack adequate “mens rea” requirements. Attend this Workshop to learn how legislators, with proper drafting, deliberations, and oversight, can be “smart on crime” by better protecting innocent people from prison time and cultivating a positive environment in which small businesses can operate.

**9:30 am – 10:45 am
Lafayette Park**



**Public Safety and Elections Task Force
2010 States and Nation Policy Summit
Thursday, December 2
2:30 PM – 5:30 PM
Independence FG**

Tentative Agenda

- | | |
|---|--------------------|
| 1. Call to Order | 2:30 PM |
| Introductions | |
| Approval of Minutes | |
| Working Group Report | |
| Introduction of New Members | |
|
2. Presentations and Model Legislation | |
| PRESENTATION: Redistricting (20) | 2:50 PM |
| Mr. E. Mark Braden, <i>Baker Hostetler</i> | |
|
PRESENTATION: Electoral College Update (10) |
3:10 PM |
| Mr. Trent England, <i>Evergreen Freedom Foundation</i> | |
|
PRESENTATION: Bail and Pretrial Release (10) |
3:20 PM |
| Dr. Dennis Bartlett, <i>American Bail Coalition</i> | |
|
<u>“Resolution in Opposition to Pay-to-Play Legislation”</u> |
3:30 PM |
| Mr. Sean Parnell, <i>Center for Competitive Politics</i> | |
|
<u>“Resolution Regarding Prison Populations and Redistricting”</u> | |
| Mr. Sean Parnell, <i>Center for Competitive Politics</i> | |
|
<u>“Resolution in Support of Victim Offender Mediation”</u> | |
| Mr. Marc Levin, <i>Texas Public Policy Foundation</i> | |
|
<u>“Resolution Supporting Childbirth Protection”</u> | |
| Ms. Kristi Turner, <i>Justice Fellowship</i> | |
|
<u>“Childbirth Protection Act”</u> | |
| Ms. Kristi Turner, <i>Justice Fellowship</i> | |
|
<u>“Earned Compliance Credit Act”</u> | |
| Rep. Jerry Madden, <i>TX</i> | |
|
3. For the Good of the Order | |
| 4. Adjournment | 5:30 PM |



Corrections and Reentry Working Group
2010 States and Nation Policy Summit
Wednesday, December 1
Washington D.C.
10:45 a.m. – 11:45 a.m.

TENTATIVE AGENDA

- 10:45 a.m. Welcome and Introductions**
Representative Jerry Madden, *TX*, Public Sector Chair
Mr. Pat Nolan, *Prison Fellowship Ministries*, Private Sector Chair
- 10:55 a.m. Proposed Model Legislation: Discussion and Voting**
- “Resolution in Support of Victim Offender Mediation”**
Mr. Marc Levin, *Texas Public Policy Foundation*
- “Resolution Supporting Childbirth Protection”**
Ms. Kristi Turner, *Justice Fellowship*
- “Childbirth Protection Act”**
Ms. Kristi Turner, *Justice Fellowship*
- “Earned Compliance Credit Act”**
Rep. Jerry Madden, *TX*
- 11:40 a.m. For the Good of the Order**
- 11:45 a.m. Adjournment**

American Legislative Exchange Council
Public Safety & Elections Task Force
Annual Meeting
August 7, 2010

Attendees:

Public Sector (35)

Rep. Paul Ray, *Utah* (Public Sector Chair)
Rep. Gary Banz, *Oklahoma*
Rep. Charles Jim Beckett, *Mississippi*
Rep. Laurie Boyce, *New Hampshire*
Rep. Justin Burr, *North Carolina*
Sen. Lydia Chassaniol, *Mississippi*
Sen. Kent Cravens, *New Mexico*
Rep. Joseph Fischer, *Kentucky*
Rep. Daniel Greenberg, *Arkansas*
Rep. Mark Hamilton, *Georgia*
Rep. Gary Hayzlett, *Kansas*
Rep. Chris Herrod, *Utah*
Rep. Renee Kosel, *Illinois*
Rep. Andrea Lea, *Arkansas*
Rep. Larry Liston, *Colorado*
Rep. Jerry Madden, *Texas*
Sen. Jack Murphy, *Georgia*
Rep. Carole Murray, *Colorado*
Sen. Russell Pearce, *Arizona*
Sen. Mary Pilcher-Cook, *Kansas*
Rep. Valentine Rausch, *South Dakota*
Rep. William Rehm, *New Mexico*
Rep. Tom Rice, *Georgia*
Sen. Pam Roach, *Washington*
Sen. Michael Rose, *South Carolina*
Rep. Sal Santoro, *Kentucky*
Rep. Mary Slinkard, *Arkansas*
Rep. Todd Snitchler, *Ohio*
Rep. Scott Suder, *Wisconsin*
Rep. Linda Sumner, *West Virginia*
Rep. Kim Thatcher, *Oregon*
Rep. Jordan Ulery, *New Hampshire*
Rep. Gene Whisnant, *Oregon*
Rep. Carl Wimmer, *Utah*
Sen. Kevin Witkos, *Connecticut*

Private Sector (13)

Tara Mica, *National Rifle Association* (Private Sector Chair)

Eli Lehrer, *Heartland Institute* (Task Force Advisor)
Dennis Bartlett, *American Bail Coalition*
Jeff Boschwitz, *Orchid Cellmark*
Jon Burton, *Reed Elsevier*
David Christman, *National Beer Wholesalers Association*
Trent England, *Evergreen Freedom Foundation*
Steve Gross, *Wine Institute*
Marc Levin, *Texas Public Policy Foundation*
Kristi Meade, *Prison Fellowship Ministries*
Laura Renz, *Center for Competitive Politics*
Stacie Rumenap, *Stop Child Predators*
Laurie Shanblum, *CCA*

Guests (12)

Rep. Carl Anderson, *South Carolina*
Rep. Buzz Brockway, *Georgia*
Del. John Cosgrove, *Virginia*
Laurie Crehan, *Department of Defense*
Sen. Mike Fair, *South Carolina*
Joseph Giamfortone, *Reckitt Benckiser*
Rep. Mary Kiffmeyer, *Minnesota*
Melanie Ledgerwood, *AIA*
Rep. Dennis Moss, *South Carolina*
Rep. Todd Schlekeway, *South Dakota*
Rep. Kip Smith, *Georgia*
Rep. Mark Waller, *Colorado*

Staff (3)

Michael Hough, Task Force Director
Courtney O'Brien, Legislative Assistant
Toby Kearn, Intern

I. Preliminaries

The task force approved the minutes of the April meeting by a unanimous vote.

II. Subcommittee Reports

1. Corrections and Reentry – Rep. Jerry Madden, *TX*

The working group met on August 5, 2010 and passed: *ALEC Resolution on DNA Testing Standards*, *Resolution in Support of H.O.P.E.*, and *Resolution in Support of Justice Reinvestment*. The working group tabled *Earned Compliance Credit Act*.

III. Presentations

1. “The Dangers of Voter Fraud in the 2010 Elections” – Mr. John Fund, *WSJ*

2. TASER Demonstration – Mr. Peter Holran and Mr. Pat Murphy, *TASER*

IV. Consideration of Model Legislation

1. “ALEC Resolution on DNA Testing Standards” – Dr. Jeff Boschwitz, *Orchid Cellmark*

A resolution supporting the FBI effort to “re-evaluate existing policies, standards, and protocols, including requirements for outsourcing DNA analysis to private laboratories and review of their results by public law enforcement laboratories” that ensures continued quality in forensic science.

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously. **Resolution Passed.**

2. “Resolution in Support of the *Citizens United* Decision” – Laura Renz, *Center for Competitive Politics*

This resolution emphasizes the importance of first amendment protections of corporations’, non-profit advocacy groups’, and labor organizations’ speech. The resolution warns that mandatory disclosure and disclaimer requirements, particularly relating to an organization’s source of funding, can be intimidating to such organizations and inhibit free speech.

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously. **Resolution Passed.**

3. “Resolution in Support of H.O.P.E.” – Kristi Meade, *Justice Fellowship*

This resolution recognizes the progress Hawaii’s HOPE program has exhibited in lowering the crime rate amongst probationers. The resolution also supports the program and its success and aims to replicate its results in other states.

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously. **Resolution Passed.**

4. “Resolution in Support of Justice Reinvestment” – Kristi Meade, *Justice Fellowship*

State spending on corrections has grown faster than almost any other budget item in the past 20 years, reaching nearly \$52 billion dollars in tight economic times. Prison populations have risen dramatically and correction costs have quadrupled. Although prison admissions have begun to decline in recent years, the recidivism rates are still rising, leaving the fiscal status of many state prison systems untenable. Recognizing these problems, justice reinvestment uses research-based policies to save money on corrections, lower recidivism rates and make

communities safer. Justice reinvestment has helped states around the nation cut costs dramatically through intervention, education, treatment and intense supervision to identify those at the highest risk to commit crime. This resolution supports any policies which would use these proven methods to reduce spending on corrections and reduce recidivism.

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously. **Resolution Passed.**

5. “Earned Compliance Credit Act” – Rep. Jerry Madden, *TX*

For corrections agencies to efficiently allocate supervision, they must have the authority to focus their staff, services and sanctions on higher-risk offenders. To do so without additional funding, agencies need to be able to move lower-risk probationers and parolees to less-intensive levels of supervision—or off of supervision altogether—if they are fulfilling their obligations and conditions, including paying restitution. This act creates an “earned compliance credit” that would reduce the time that offenders are on active supervision by 15 days for each month that they are in full compliance with their conditions of supervision, including payment of restitution to crime victims. After an offender has paid all outstanding restitution, fines and fees, the court or releasing authority may reduce the period of supervision by the amount of credit earned.

Motion to table the model legislation; passed the public sector unanimously; passed the private sector unanimously. **Bill Tabled.**

6. “Resolution on Military Voting Rights” – Rep. Daniel Greenberg, *AR*

This resolution aims to point out flaws in the military voting “MOVE ACT” passed by Congress in 2009 so that military ballots are delivered home in the shortest possible time.

Motion to add the model resolution to the agenda; passed the public sector unanimously; passed the private sector unanimously. **Resolution added to agenda.**

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously. **Resolution Passed.**

V. For the Good of the Order

VI. Adjournment

DRAFT Resolution in Opposition to Pay-to-Play Legislation

Summary

This resolution opposes pay-to-play systems at any level of government as such systems are violations of the First Amendment right of citizens, corporations, and labor organizations to exercise free speech in the form of campaign contributions. It recommends instead that a system which relies upon an open, fair, and transparent contract bidding process be pursued.

Model Resolution

WHEREAS, political speech-stifling restrictions that prohibit individuals and contractors from donating to campaigns, commonly referred to as pay-to-play legislation, violates the First Amendment rights of citizens employed by corporations and labor organizations as well as these entities themselves to contribute to campaigns of their choice; and

WHEREAS, burdensome restrictions placed upon the above named groups have the effect of chilling speech and are in violation of these entities' First Amendment rights; and

WHEREAS, these arbitrary regulations selectively burden disfavored speakers, endangering their political speech rights even though these citizens are employed in legal professions and have not engaged in any wrongdoing; and

WHEREAS, picking and choosing speakers is dangerous because arbitrarily drawn restrictions can be redrawn at any time given changing priorities and shifts of political power; and

WHEREAS, a move towards greater freedom of speech by eliminating pay-to-play laws entirely and focusing instead on ensuring an open, fair, and transparent contract bidding process would better serve legitimate anti-corruption interests; and

WHEREAS, the above solution would alleviate transparency concerns and the appearance of impropriety while allowing all citizens to fully exercise their First Amendment right to express their opinions about their government and elected officials; and

WHEREAS, the American Legislative Exchange Council (ALEC) is an important, influential voice in the promotion of policies true to the Jeffersonian principles of free markets, limited government, federalism, and individual liberty; and

THEREFORE, BE IT RESOLVED that ALEC opposes pay-to-play efforts outlined above at the federal, state, and local level to undermine the ability of individuals, businesses, and unions to engage in political speech and recommends a system that instead relies upon an open, fair, and transparent contract bidding process.

DRAFT Resolution Regarding Prison Populations and Redistricting

Summary

This resolution opposes the practice of prison-based gerrymandering and encourages states to count prisoners as members of their pre-incarceration communities for the purposes of redistricting.

Model Resolution

WHEREAS, obtaining an accurate count of the population is vital to representative democracy; and

WHEREAS, our basic democratic principles require State and Local governments to draw district boundaries so that each district contains approximately the same population, ensuring that all residents have equal representation in government; and,

WHEREAS, most State and Local governments rely on U.S. Census data to redraw their districts, but the Census Bureau currently counts incarcerated people as residents of the prison location instead of their pre-incarceration address, despite the fact that many incarcerated people are ineligible to vote, artificially enhancing the vote of citizens in districts with prisons while effectively diluting the vote of all other people living outside these districts; and,

WHEREAS, redistricting is a prerogative of the States and Local governments; and,

WHEREAS, The Census Bureau has agreed to provide data to State and Local governments in time to allow them to adjust population data to take prison populations into account ; and,

WHEREAS, the most equitable remedy to this problem is to count incarcerated persons as residents of their pre-incarceration locations for districting purposes along; and

THEREFORE, BE IT RESOLVED that the American Legislative Council (ALEC) encourages the States to count prison populations as residents of their pre-incarceration communities for purposes of redistricting.

DRAFT Resolution in Support of Victim-Offender Mediation

Summary

Victim Offender Mediation is a face-to-face meeting, in the presence of a trained mediator, between the victim of a crime and the person who committed that crime. Used mostly in cases of low-level property offenses and first-time offenders, this method allows the victim and the offender to settle their case out of court, thus saving taxpayers' money on court costs, providing greater closure and restitution for the victim, and reducing recidivism by instilling in the offender a strong sense of the actual harm they caused to another individual. This Resolution encourages states to establish victim-offender mediation policies or to promote the availability and utilization of such an option if it already exists.

Model Resolution

WHEREAS, victim-offender mediation must be chosen over the traditional process by both the victim and the offender, since the offender is required to take responsibility for his conduct and waive his right to trial and appeal; and

WHEREAS, a written agreement is reached that typically requires restitution, community service, no further offenses, and counseling. The agreement is then ratified by the prosecutor or judge. Failure to comply leads to traditional prosecution, which can result in any of the penalties available for that offense up to and including incarceration; and

WHEREAS, victim-offender mediation is different from mediating a civil dispute because one party has admittedly criminally wronged the other. The purpose in a victim-offender mediation is not to negotiate but to create a dialogue that allows the victim to discuss the impact of the crime, specify what is needed to make them whole, and obtain closure; and

WHEREAS, victim-offender mediation is most commonly used for low level property offenses such as graffiti, shoplifting, and criminal mischief and in cases involving first-time offenders; and

WHEREAS, the U.S. Department of Justice has recommended victim-offender mediation since the 1990s's and has published guidelines for its successful implementation; and

WHEREAS, there are over 300 victim-offender mediation programs in North America and over 1,300 worldwide. In the U.S., 11 states have statutes that expressly provide for victim-offender mediation. Most programs are for juvenile offenders, but a significant number are for adults;

WHEREAS, many victims want the mediation option. In a British Crime Survey, 60 percent of property offense victims expressed interest in a mediation; and

WHEREAS, mediation offers victims an expedited means of obtaining justice in contrast to protracted pretrial proceedings, jury selection, and the prospect of seemingly endless appeals; and

WHEREAS, according to a Texas Public Policy Foundation report, a study of victim-offender mediation programs serving adults and juveniles found that 89 percent of agreements were

36 successfully completed. That means the restitution was fully paid in these cases, as that is part of over
37 90 percent of agreements. In contrast, the national restitution collection rate in the U.S. is 20 to 30
38 percent; and

39 **WHEREAS**, a multi-site study found that 79 percent of victims who participated in mediations were
40 satisfied, compared with 57 percent of victims who went through the traditional court system; and

41 **WHEREAS**, in mediation programs in the U.S. and Canada, victims who went through mediation
42 were over 50 percent less likely to express fear of re-victimization than a sample of victims who did
43 not go through mediation; and

44 **WHEREAS**, a meta-analysis that looked at 27 victim-offender mediation programs in North America
45 found that 72% of them lowered recidivism and that the average decline was 7 percent. Similarly, a
46 comparison group study of four U.S. victim-offender mediation programs by Umbreit & Coates found
47 that 18.1 percent of offenders who took part in mediation committed a new offense, compared to 26.9
48 percent of those who did not participate and that, of the re-offenders, 41 percent of those in the
49 mediation group committed less serious offenses than before but only 12 percent in the control group;
50 and

51 **WHEREAS**, researchers believe victim-offender mediation works because an offender often realizes
52 that their conduct did not merely violate the words of a government statute, but also inflicted real harm
53 on an individual victim. In many offenders, this heightens their sense of empathy, instills
54 accountability for their actions, and makes it more difficult for them to try to rationalize their conduct;
55 and

56 **WHEREAS**, the mediation also allows the victim to get closure and ask questions often sought for
57 closure that only the offender can answer, such as why the offender did it and why they were the
58 chosen victim; and

59 **WHEREAS**, in many mediations, offenders have the incentive of not having a conviction on their
60 record if they do everything that is required by the agreement to the satisfaction of the victim,
61 prosecutor, and judge. Without a conviction, the offender is much more likely to be employable; and

62 **WHEREAS**, victim-offender mediation saves taxpayers' money on court and prosecutorial costs and
63 avoids the significant taxpayer expense of court-appointed counsel for indigent defendants. Many
64 programs use volunteers such as attorneys and ministers as mediators while others pay mediators
65 approximately \$50. In contrast, trial court proceedings and appeals can cost many thousands of dollars
66 in the allocated time of prosecutors, judges, and lawyers; and

67 **THEREFORE, BE IT RESOLVED**, that the American Legislative Exchange Council (ALEC)
68 supports giving victims the option to choose mediation in appropriate cases and urges state lawmakers
69 and agency officials to implement policies that create the mediation option, or if it already exists,
70 promote its availability and utilization.

1

2 **DRAFT Resolution Supporting Childbirth Protection**

3 ***Summary***

4 This Resolution calls for an end to the practice of shackling pregnant inmates.

5 ***Model Resolution***

6 **WHEREAS**, the number of women in prison continues to rise each year; and

7 **WHEREAS**, there is currently no testing in place to distinguish whether or not a woman enters
8 prison pregnant; and

9 **WHEREAS**, during pregnancy, labor, delivery, and post-partum recovery, shackling can
10 endanger the health and lives of the mother and her child; and

11 **WHEREAS**, the American College of Obstetricians and Gynecologists have stated their
12 opposition to the practice of shackling pregnant women; and

13 **WHEREAS**, there are rarely occasions in which restraints may be necessary, but for these
14 situations there should be prior documentation by a medical or mental health professional stating
15 reasons why restraints may be necessary; and

16 **WHEREAS**, litigation across the country demonstrates the need for a uniform, consistent
17 application of statute that takes the unique situation of pregnant inmates, defendants and
18 detainees into consideration; and

19 **WHEREAS**, the 8th Circuit Court of Appeals recently ruled that the use of restraints on laboring
20 inmates, defendants and detainees is a violation of the Eighth Amendment and constitutes “cruel
21 and unusual punishment,”; and

22 **WHEREAS**, the American Legislative Exchange Council (ALEC) is committed to developing
23 effective criminal justice policies that create safe communities for citizens; and

24 **WHEREAS**, 40 states do not yet have legislation that outlaws the inhumane practice of
25 shackling women in childbirth; and

26 **WHEREAS**, the Federal Bureau of Prisons, the U.S. Marshall Service, and the American
27 Correctional Association have adopted policies to limit the use of shackles on pregnant prisoners.

28 **THEREFORE BE IT RESOLVED** that the American Legislative Exchange Council supports
29 anti-shackling legislation for inmates who are pregnant, and urges policy-makers throughout the
30 nation to implement legislation to end this inhumane practice.

DRAFT Childbirth Protection Act

Summary

Relating to use of restraints on pregnant inmates, defendants and detainees who are in labor, delivering a baby or in post-partum recovery; prohibiting such use except under certain circumstances; and allowing for the presence of medical or infirmary staff during post-partum strip search upon return to prison, jail or detention facility.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.} This Act may be cited as the “Childbirth Protection Act”

Section 2. {Pregnancy Testing of Female Inmates}

(A) An adult or juvenile correctional facility, detention center or local jail shall test all women upon entry for pregnancy.

Section 3. {Restraints on Pregnant Prisoners}

(A) An adult or juvenile correctional facility, detention center or local jail shall use the least restrictive restraints necessary when the facility has actual or constructive knowledge that an inmate, defendant or detainee is in the second or third trimester of pregnancy.

(B) No restraints of any kind shall be used on an inmate, defendant or detainee who is in labor, delivering a baby or in post-partum recovery unless there is prior documentation by a medical or mental health professional providing compelling ground to believe that the inmate presents:

(1) An immediate and serious threat of harm to herself, to the medical staff or to others; or

(2) A substantial flight risk that cannot reasonably be contained by other means.

(C) If an inmate, defendant or detainee in labor or who is delivering her baby must be restrained, the least restrictive measure necessary to ensure safety and security shall be used; and

(D) The corrections official shall make written findings within 10 days as to the extraordinary circumstances that dictated the use of restraints. These findings shall be kept on file by the correction institution for at least five (5) years and be made available for public inspection, except that no individually identifying information of any inmate, defendant or detainee shall be made public without the inmate, defendant or detainee’s prior written consent.

(E) Under no circumstances shall leg or waist restraints be used on any inmate, defendant or detainee who is in labor or delivery.

Section 3. {Post-partum Strip Searches}

(A) Upon return to a correctional facility, an inmate, defendant or detainee who has given birth shall have the option of having a member of the facility’s medical or

47 infirmery staff be present during her strip-search to ensure that the strip-search is
48 done in a way that neither increases her risk for infection or causes additional
49 physical pain or discomfort.
50

51 **Section 4. {Severability clause.}**
52

53 **Section 5. {Repealer clause.}**
54

55 **Section 6. {Effective date.}**
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57

1 **DRAFT Earned Compliance Credit Act**
2 ***With Amendments***

3
4 ***Summary***

5 For corrections agencies to efficiently allocate supervision, they must have the authority to focus
6 their staff, services and sanctions on higher-risk offenders. To do so without additional funding,
7 agencies need to be able to move lower-risk probationers and parolees to less-intensive levels of
8 supervision—or off of supervision altogether—if they are fulfilling their obligations and
9 conditions, including paying restitution. This act creates an “earned compliance credit” that
10 would reduce the time that **low risk, non-violent** offenders are on active supervision by 15 days
11 for each month that they are in full compliance with their conditions of supervision, including
12 payment of restitution to crime victims. After an offender has paid all outstanding restitution,
13 fines and fees, the court or **the** releasing authority **determined by each state**, may reduce the
14 period of supervision by the amount of credit earned.

15
16 ***Model Legislation***

17
18 **{Title, enacting clause, etc}**

19
20 **Section 1. {Intent.}**

21
22 The act creates an “earned compliance credit” that would reduce the time that **low risk, non-**
23 **violent** offenders are on active supervision by 15 days for each month that they are in full
24 compliance with their conditions of supervision, including payment of restitution to crime
25 victims. After an offender has paid all outstanding restitution, fines and fees, the court or **the**
26 releasing authority **determined by each state**, may reduce the period of supervision by the
27 amount of credit earned.

28
29 **Section 2. {Definitions.}** In this title, the following words have the meanings indicated.

30
31 (1) “Agency” means:

32 (A) The Department of Corrections or the state agency responsible for supervising
33 individuals placed on probation by the courts or serving a period of parole or post-
34 release supervision from prison or jail; and

35 (B) Any regional, local or county governmental agencies responsible for
36 supervising individuals placed on probation by the courts or serving a period of
37 parole or post-release supervision from prison or jail, provided such agencies
38 receive state funding.

(2) “Case plan” means an individualized accountability and behavior change strategy for supervised individuals that:

- (A) Targets and prioritizes the specific criminal risk factors of the offender;
- (B) Matches programs to the offender’s individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;
- (C) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations; and
- (D) Specifies positive and negative actions that will be taken in response to the supervised individual’s behaviors.

(3) “Compliance credit” means [15] days for every month that a supervised individual does all of the following:

- (A) Fulfills the terms of the supervised individual’s case plan;
- (B) Has no new arrests; and
- (C) Makes scheduled monthly payments for restitution, fines and fees.

(4) “Supervised individual” means an individual placed on probation by the courts or serving a period of parole or post-release supervision from prison or jail.

Section 3. {Earned Compliance Credits.}

(1) The Agency shall:

- (A) Award earned compliance credits to a supervised individual who satisfies the requirements specified in the individual’s case plan; and
- (B) Place a supervised individual in a non-active supervision status for the number of days earned as compliance credits.

(2) For supervised individuals in non-active supervision, the Agency shall submit a petition to the court or releasing authority to request that the period of supervision be reduced by the number of days of compliance credits earned by the individual, when the supervised individual has no outstanding restitution, fines or fees.

(3) The court or releasing authority may adjust the period of a supervised individual’s supervision on the recommendation of the Agency for earned compliance credits.

(4) The Agency shall adopt rules and regulations for the forfeiture of earned compliance credits for supervised individuals who violate conditions of supervision. Such regulations shall provide that:

- (A) Forfeiture is part of the Agency’s system of graduated sanctions;

(B) The extent of earned compliance credits forfeited is related to the level of severity of the violation;

(C) Forfeiture of earned compliance credits is limited to credits already earned, and may not prospectively deny future earned compliance credits; and

(D) A procedure is established for the restoration of forfeited earned compliance credits based on the supervised individual's compliance with supervision conditions and progress in achieving the goals of the supervised individual's case plan.

Section 4. {Severability Clause}

Section 5. {Repealer Clause}

Section 6. {Effective Date}

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Public Safety & Elections Task Force
As of 10/27/2010

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As of 10/27/2010

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As of 10/27/2010

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Public Safety & Elections Task Force
As of 10/27/2010

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Public Safety & Elections Task Force
As of 10/27/2010

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Total Records 161

ATTENDEE

REGISTRATION / HOUSING FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC



Early registration deadline: November 10, 2010
Housing cut-off date: November 04, 2010

**Grand Hyatt Washington
Hotel**
1000 H Street, NW
Washington, DC 20001

December 1-3, 2010

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern
Registration: 202.742.8538 / Housing: (800) 221-3531

Mail • ALEC Registration & Housing
P.O. Box 96754 • Washington, DC 20090-6754

ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Address _____ Suite # _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____
Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form.

REGISTRATION INFORMATION

****Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel****

DISCOUNTED REGISTRATION FEES are extended only to registrants booking ALEC's headquarter hotel. Your \$50 savings will become valid when accommodations are confirmed.

Note: Member fees are subject to verification

- ☐ I have already registered # _____
- ☐ ALEC Legislative Member
- ☐ Legislator / Non-Member
- ☐ Newly Elected Legislator (2010 Election Cycle)
- ☐ ALEC Private Sector Member
- ☐ Private Sector Non-Member
- ☐ ALEC Non-Profit Member (501(c)(3) status required)
- ☐ Non-Profit Non-Member (501(c)(3) status required)
- ☐ Legislative Staff / Government
- ☐ ALEC Legacy Member

	Early Until 11/10	On-Site Begin 11/11	Amount
<input type="checkbox"/> I have already registered # _____			
<input type="checkbox"/> ALEC Legislative Member	\$ 375	\$ 475	\$ _____
<input type="checkbox"/> Legislator / Non-Member	\$ 475	\$ 575	\$ _____
<input type="checkbox"/> Newly Elected Legislator (2010 Election Cycle)	\$ 375	\$ 475	\$ _____
<input type="checkbox"/> ALEC Private Sector Member	\$ 725	\$ 875	\$ _____
<input type="checkbox"/> Private Sector Non-Member	\$ 925	\$ 1100	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$ 525	\$ 625	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$ 675	\$ 825	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$ 400	\$ 500	\$ _____
<input type="checkbox"/> ALEC Legacy Member	\$ 0	\$ 0	\$ _____

Promo Code _____

TOTAL REGISTRATION FEES: \$ _____

Note: Registration forms with enclosed payments must be postmarked by November 10, 2010 to be eligible for early registration rates. Forms and/or payments received after November 10 will be subject to the on-site registration rate. If registering after November 10, please bring completed form and payment to register on-site.

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 10, 2010 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 10, 2010.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS NOVEMBER 4, 2010

****Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel****

- ☐ I do not require a reservation at this time.

Arrival Date _____ Departure Date _____

- ☐ Sharing room with _____

Room type

- ☐ Single (1 person - 1 bed) \$ 269
- ☐ Double (2 persons - 1 bed) \$ 294
- ☐ Db/Db (2 persons - 2 beds) \$ 294
- ☐ Triple (3 persons - 2 beds) \$ 319
- ☐ Quad (4 persons - 2 beds) \$ 344
- ☐ Government rate Not Available

* All rates DO NOT include sales tax 14.5 % (subject to change)

Suites and upgraded accommodations are available upon request. Please call ALEC Housing at the number listed above for additional information.

Special requests

- ☐ ADA room required:
_____ Audio _____ Visual _____ Mobile
- ☐ Rollaway / crib: _____
- ☐ Other: _____

METHOD OF HOUSING PAYMENT

- ☐ Please use the same method of payment as above.

Credit Card: Credit Cards will be used to guarantee the reservation.

- ☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) _____ Security Code _____

Signature _____

Checks: Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC and send to above address.

Note: Cutoff for reservations at the ALEC rate is November 4, 2010. After November 4, 2010, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of one night room and tax. Please obtain a cancellation number when your reservation is cancelled.

SPOUSE / GUEST REGISTRATION / HOUSING FORM

December 1-3, 2010

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC

**Grand Hyatt Washington
Hotel**
1000 H Street, NW
Washington, DC 20001



Grand Hyatt Washington

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions • Mon-Fri, 8am-5:30 pm Eastern
202.742.8538

Mail • ALEC Registration & Housing
P.O. Box 96754 • Washington, DC 20090-6754

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____

Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____

Title _____

Organization (required) _____

Address _____ Suite # _____

City _____ State/Province _____ Country _____ ZIP/Postal code _____

Daytime phone _____ Fax _____ Alternate phone _____

Email (confirmation will be sent by email) _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.
4. Spouse / guest registrants are not eligible to attend ALEC Task Force meetings.

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES	Number of Spouse/Guest(s)	Early Until 11/10	On-Site Begin 11/11	TOTAL
<input type="checkbox"/> Spouse / Guest <i>please note name(s) above</i>	_____	\$ 150	\$ 150	\$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express Card # _____

☐ Visa Cardholder (please print) _____

☐ MasterCard Exp Date (mm/yy) _____ Security Code _____

Signature _____

Checks: Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

Note: If registering after November 10, please bring completed form and payment to register on-site.

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation to the address provided above. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 10, 2010 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 10, 2010.



Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to a predetermined set limit for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for a two-night stay are covered by ALEC.
3. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
4. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
5. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
 - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
 - educational communication and correspondence campaigns;
 - issue specific briefings, press conferences and press campaigns;
 - witness testimony and the activities of policy response teams;
 - workshops at ALEC's conferences; and
 - specific focus events.
- D. The Executive Director is to ~~Task Forces are responsible for developing an annual budgets,~~ which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

III. GENERAL PROCEDURES

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
 - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
 - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
 - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but

should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

VII. REMOVAL AND VACANCIES

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
 - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
 - Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
 - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
 - History of Task Force action
 - Previous ALEC official action/resolutions
 - Issue before the board
 - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
 - Task Force Chair(s) will be invited to attend the Board Review
 - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
 - Twenty minutes that is equally divided will be given for both sides to present before the Board.
 - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
 - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
 - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.